

State Board of Cosmetology and Barber Examiners

May 21, 2012

MINUTES
Indiana Government Center-South
402 West Washington Street, Room W064
Indianapolis, Indiana

COMMITTEE MEETINGS

10:00 a.m.

CALL TO ORDER & ESTABLISHMENT OF QUORUM

D. Demuth called the meeting to order at 1:00 p.m. and it was established that there was no quorum pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting

Board Members Present:

David Demuth, President
Diana Bonn
Gary Odell

Board Member Not Present:

Diane Weisheit, Vice President
Joseph Barsic
Rebecca Bushong

State Officials Present:

Tracy Hicks, Board Director, Indiana Professional Licensing Agency
Rae Harman, Assistant Director, Indiana Professional Licensing Agency
Jeanne Tucker, Inspector
Philip Thompson, Board Advisory Counsel, Office of the Attorney General

I. ADOPTION OF THE AGENDA

The May 21, 2012 agenda was adopted as amended.

Bonn/O'Dell
3/0/0
Motion carried.

II. ADOPTION OF THE MINUTES FROM THE MARCH 19, 2012 MEETING OF THE STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS

A motion was made and seconded to approve the minutes of the March 19, 2012 meeting.

Bonn/O'Dell 3/0/0
Motion carried.

IV. OLD/NEW BUSINESS

B. Administrative Hearings, 1:00 p.m.

Administrative Show Cause Hearings In the Matter of Nail Expo, MS30500736, SBCE 08-17 and Lovely Nails, MS30600511, SBCE 08-27 did not take place. Both matters were previously referred to the Office of the Attorney General for possible disciplinary action.

Administrative Hearings in the Matter of Frances Kay Smith, BC02138556, SBCBE 11-116, Lovely Nails, MS30200512, SBCBE 12-20, and Brian A. Heaton, BC20601618, SBCBE 10-21 were continued due to lack of a quorum.

C. Personal Appearances

1. Hoang M. Do, MA20300511, SBCE 07-55 – Failed to Appear
2. Nail Expo, MS30500736, SBCE 08-17 - Appeared
3. Lovely Nails, MS30600511, SBCE 08-27 - Appeared
4. Perfect Nails, MS30701132, SBCBE 10-36 - Appeared
5. 5 Star Nails, MS30400149, SBCBE 11-38 - Appeared

D. Personal Appearances and Consideration of Application for License Renewal

1. Melissa's Cut Above The Rest, BS30100306

A motion was made and seconded to approve the application for renewal.

Bonn/O'Dell
3/0/0
Motion carried.

2. Haironimos, BS30300224

A motion was made and seconded to approve the application for renewal.

Bonn/O'Dell
3/0/0
Motion carried.

3. Cornell Louis Byrd, BA10500028

A motion was made and seconded to approve the application for renewal and refer the matter to the Office of the Attorney General. He must pass the barber examination to reinstate the license.

Bonn/O'Dell
3/0/0
Motion carried.

4. Joseph D. Hatchett, BC29700237

A motion was made and seconded to approve the application for renewal on probation.

Bonn/O'Dell
3/0/0
Motion carried.

E. Consideration of Proposed Costs as Provided by IC 25-1-11-18

1. Nail Expo, SBCE 08-17 - \$118.64
2. Lovely Nails SBCE 08-27 - \$118.64

A motion was made and seconded to approve the proposed costs.

Bonn/O'Dell
3/0/0
Motion carried.

F. Consideration of Proposed Findings of Fact, Conclusions of Law, and Order

1. Kokomo Nails, MS30500555, SBCBE 11-111
2. Oscar Nail, MS30400512, SBCBE 11-113
3. Avis Nails, MS39600693, SBCBE 12-13

Consideration of Proposed Findings of Fact, Conclusions of Law, and Order was tabled due to lack of a quorum.

G. Consideration of Administrative Law Judge's Notice of Proposed Dismissal Order and Objection

1. Richard Dang Van, MA29701428, SBCE 02-97
2. Garabed B. Sarian, SBCBE 11-97
3. Bryant L. Tran, SBCBE 11-98

Consideration of Administrative Law Judge's Notice of Proposed Dismissal Order and Objection was tabled due to lack of a quorum.

H. Consideration of Motion for Order to Cease and Desist

1. Tuan Quoc

Consideration of Motion for Order to Cease and Desist was tabled due to lack of a quorum.

I. Consideration of Administrative Law Judge's Order

1. Louis R. Lawson, BA10100120, SBCBE 11-16
2. Art Nail, SBCBE 12-08
3. Jason Scott Palmer, SBCBE 12-09
4. Andre Darnell Lewis, SBCBE 12-19A

Consideration of Administrative Law Judge's Order was tabled due to lack of a quorum.

J. Provisional Licensee Requesting Issuance of a Non-Provisional License

1. Samantha Soto Cornejo, ESP1100002

A motion was made and seconded to approve issuance of an esthetician license

O'Dell/Bonn
3/0/0
Motion carried.

2. Mefail Hoxha, BAP1100002

A motion was made and seconded to approve issuance of a barber license

O'Dell/Bonn
3/0/0
Motion carried.

3. Martha Mateo Hernandez, BCP1000015

A motion was made and seconded to table the matter for discussion regarding the Social Security number issue.

O'Dell/Bonn
3/0/0
Motion carried.

K. Discussion Regarding Wisconsin's Licensing Requirements for Issuance of an Indiana License

Discussion was tabled for consideration at the next board meeting.

V. CONSIDERATION OF REQUESTS FOR WAIVER AND TRANSFERS

A. Request for Waiver of 820 IAC 4-1-5(d), Completion of Education Within Three Years Of Enrollment

1. Jasmine P. Jennings
2. Jaivy Robles
3. Joey A. Walker, Sr.
4. Anja M. Davis

A motion was made and seconded to approve all of the requests for waiver and allow them one year to graduate from cosmetology school.

Bonn/O'Dell
3/0/0
Motion carried.

B. Request for Waiver of 820 IAC 2-2-3(b), Sitting for Examination Within One Year of Graduation

1. Joe Forrest
2. Maricela Martinez Hernandez
3. Valerie A. Kimball
4. Deva Chantel LaShaun Logan
5. Nakiesha S. McCain
6. Joshua L. Perrin
7. Stephanie A. Sizemore
8. Raquel R. Vann
9. Samantha D. Whitfield
10. KeAnna L. Williams
11. Elizabeth Susan Wright

A motion was made and seconded to approve all of the requests for waiver and allow them three months to Sit for the examination.

Bonn/O'Dell
3/0/0
Motion carried.

C. Request for Waiver of 820 IAC 8-2-20 or 820 IAC 8-2-20, Passing the Examination Within Three Years Of Graduation

1. DeJuan Lynn Johnson
2. Reginald Joe Miller, Jr.
3. Dana Bowers
4. Tasha M. Cain
5. Christine J. Jones
6. Oanh Thi Kim Mai
8. Ida E. McGraw
9. Doriana Palombino
10. Kenya D. Sims

A motion was made and seconded to approve all of the requests for waiver and allow them ninety days to pass the examination.

Bonn/O'Dell
3/0/0
Motion carried.

D. Request for Waiver of 820 IAC 2-2-3(b), Sitting for Examination Within One Year and Passing the Examination Within Three Years of Graduation

1. Ebonique C. A. Burgess
2. Tasha Cain
3. Sara L. Ford
4. Whitney A. L. Harrington
5. Sheldea M. Hosler
6. Saraha A. Rile
7. Trinna G. Smith

A motion was made and seconded to approve all of the requests for waiver and allow them ninety days to pass the exam.

Bonn/O'Dell
3/0/0
Motion carried.

E. Request for Waiver of IC 25-8-7-3; IC 25-8-12.6-3, IC 25-8-7.2-3, Six Month Licensure Requirement To Manage a Salon

1. Drashawnta Briggs, BC21200083

A motion was made and seconded to approve the request for waiver.

Bonn/O'Dell
3/0/0
Motion carried.

2. Gui Fang Carter, BC21200450

A motion was made and seconded to approve the request for waiver.

Bonn/O'Dell
3/0/0
Motion carried.

3. Consance A. Cown, BC21200415

A motion was made and seconded to approve the request for waiver.

O'Dell/Bonn
3/0/0
Motion carried.

4. Amanda Swartz, BC21102269

A motion was made and seconded to approve the request for waiver.

Bonn/O'Dell
3/0/0
Motion carried.

VI. GRANTING OR DENYING PETITION FOR REVIEW AND APPOINTMENT OF ADMINISTRATIVE LAW JUDGE

A. Yesenia Sanchez

Re: Timely Petition for Review of Failed Cosmetology Examination

B. Heather Benz

Re: Timely Petition for Review of Failed Cosmetology Examination

C. Maria Enciso

Re: Timely Petition for Review of Failed Cosmetology Examination

D. Tina T. Tran

Re: Timely Petition for Review of Failed Cosmetology Examination

E. Valarie D. Shafer-Dunworth

Re: Timely Petition for Review of Denied Application for Electrology License by Reciprocity

F. Mary Beth Haire

Re: Timely Petition for Review of Denied Application for Esthetician License by Reciprocity

G. Alejandrina Torres

Re: Timely Petition for Review of Denied Application for Provisional Cosmetology License

H. Regal Nails, Plymouth, IN

Re: Timely Petition for Review of Denied Application for Manicurist Salon License

I. Hot Nails, Indianapolis, IN

Re: Timely Petition for Review of Denied Application for Manicurist Salon License

A motion was made and seconded to grant the petitions for review and appoint Gary O'Dell as the Administrative Law Judge for A through D and appoint David Demuth as the Administrative Law Judge for E through I.

Bonn/O'Dell
3/0/0
Motion carried.

VII. COMMITTEE REPORTS

A. Application Committee

A motion was made and seconded to accept the report as delivered, including requiring the applications that indicated the previous hourly requirement to file amended applications indicating the correct hours.

Bonn/O'Dell
3/0/0
Motion carried.

COSMETOLOGY APPLICATIONS

A. By Examination:

Adamson, Jerry Wayne – Approved contingent upon corrected amended application
Blakely, Amber - Approved on PROBATION with no right to petition for withdrawal of probation until criminal probation is successfully completed
Francois, Atavise Ramshel – Approved
Hacker, Stephanie Janae – Denied, past one year to sit for examination, 820 IAC 2-2-3(b) and IC 25-8-9-3
Hobbs, Scheena – Denied, need proof of waiver
Marsh, Celisa – Approved contingent upon corrected amended application
Michael, Jay – Approved contingent upon corrected amended application
Mijangos, Ciria – Approved contingent upon corrected amended application
Mortakis, Paige – Approved
Robertson, Megan – Approved contingent upon corrected amended application
Taylor, Rebeckah – Approved contingent upon corrected amended application

Carter, Melissa Sue - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for dealing in cocaine, follow statutes and rules
Ervine, Laurissa - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for dealing in schedule I, follow statutes and rules
Rounds, Jody - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for possession of cocaine, follow statutes and rules

B. By Reciprocity:

Bembeck, Jennifer Lynn – Denied, need proof of actual school hours/ description of courses, barber or cosmetology is not indicated
Guch, Stephanie Nicole – Denied, license is not valid in another jurisdiction, IC 25-8-4-2(a)(1)
Herndon, Cynthia Marlyn – Denied, license is not valid in another jurisdiction, IC 25-8-4-2(a)(1)

Wisconsin:

Dang, Phong Tien – Tabled, Discussion of Wisconsin's licensing requirements for issuance
Do, Thanh Thi Thu - Tabled, Discussion of Wisconsin's licensing requirements for issuance
Ho, Trang Betty T - Tabled, Discussion of Wisconsin's licensing requirements for issuance
Hua, MiMi - Tabled, Tabled, Discussion of Wisconsin's licensing requirements for issuance
Huynh, Son Thanh - Tabled, Discussion of Wisconsin's licensing requirements for issuance
Le, Amy Tien - Tabled, Discussion of Wisconsin's licensing requirements for issuance
Nguyen, Kim Thi - Tabled, Discussion of Wisconsin's licensing requirements for issuance
Nguyen, Nga Thi My - Tabled, Discussion of Wisconsin's licensing requirements for issuance
Nguyen, Phuong Minh Thi - Tabled, Discussion of Wisconsin's licensing requirements for issuance
Nguyen, Tam Duc - Tabled, Discussion of Wisconsin's licensing requirements for issuance
Pham, Cai Thai - Tabled, Discussion of Wisconsin's licensing requirements for issuance
Pham, Kim Dung Thi - Tabled, Discussion of Wisconsin's licensing requirements for issuance

C. By Provisional:

Fermin, Ines A. – Tabled, temporary salon permit
Hernandez, Veronica – Approved
Maxson, Jhosemelin – Approved
Nguyen, Hue Thi – Approved
Roth, Norma - Denied, Unlicensed practice, IC 25-1-11-19(b)(1)
Segura Colunga, Juana Esmeralda – Approved
Vazquez, Fredy A. - Approved

MANICURIST APPLICATIONS

A. By Examination:

Froman-Webb, Melissa - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for burglary, follow statutes and rules

Koontz, Krista - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for forgery, counterfeiting, follow statutes and rules

Mitchell, Shamika D. - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for check fraud, follow statutes and rules

Sowder, Karen - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for burglary, follow statutes and rules

B. By Reciprocity:

Bequette, Denise D. – Approved
Do, Lan T. – Denied, IC 25-8-4-2(a)(2), education not equivalent, obtained hours in a nail shop
Nguyen, Thao Giang - Denied, IC 25-8-4-2(a)(2), education not equivalent, attended a nail school
Nguyen, Tuyet-Anh Thi – Denied, name on documentation doesn't match application

C. By Provisional:

McCracken, Mutsumi – Tabled, need course detail/ hours

COSMETOLOGY INSTRUCTOR APPLICATIONS

A. By Examination:

Davis, Alberta - Approved

BARBER APPLICATIONS

A. By Examination:

Glover, Kinon E. – Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year, follow statutes and rules

Johnson, Dejuan – Approved on PROBATION with no right to petition for withdrawal of probation until criminal probation/parole is successfully completed

Williams, Anthony, Jr. – Tabled, personal appearance

Westbrooks, David P., Sr. – Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year, follow statutes and rules

B. By Reciprocity:

Carbajal, Magaly – Tabled, need record of hours completed

Harris, Arvin – Denied, IAC 8-3-2, didn't attain a passing score of 75%

Lee, Terrance - Approved

C. By Provisional:

Morales, Raul L. - Approved

Barber Instructor Applications

A. By Reciprocity:

Lee, Terrance - Approved

BARBER SCHOOL APPLICATIONS

A. Barber School

New Castle Correctional, 100 Van Nuys Road, New Castle, IN 47362- Tabled, in order for board to consider 10 chair variance

SALON APPLICATIONS

A. Esthetics Salon

Expressions Spa & Beauty Supply, 1752 Indianapolis Road, Ste B, Greencastle, IN 46135 – Denied, didn't answer yes to question on application regarding IC 25-8-14

VIII. ADJOURNMENT 4:00 p.m.

Next Scheduled Meeting:

Monday, July 16, 2012